

REMARKS

The applicant has carefully considered the Office action dated October 12, 2005. By way of this Response, claims 7 and 8 have been amended for enhanced clarity. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

At the outset, it is noted that claims 1-7, 9-36, 38-42 and 44-46 stand allowed and are not further discussed herein.

Turning to the objections to the specification, the abstract has been amended to delete the words "are disclosed" as required by the Office action. Similarly, paragraph [0029] has been amended to delete the hyperlink and to insert in its place a reference to the file history so that an interested reader can easily locate the article originally identified by the hyperlink.

Applicant respectfully traverses the objection to the specification based on the omission of a Summary of the Invention. There is no requirement to include a Summary of the Invention in a patent application. 37 CFR 1.73 provides:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, ***when set forth***, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.

(emphasis added). The language of 37 CFR 1.73 clearly indicates that a Summary of the Invention is not a mandatory component of a patent

application. Instead, it is something that may or may not be set forth.¹

Accordingly, since the Summary of the Invention section is optional, no such section has been included in the application and the Office is respectfully requested to withdraw the objection to the specification.

In view of the foregoing, it is respectfully submitted that the objections to the specification should be withdrawn.

Turning to the claim objections, the applicant respectfully submits that, given its broadest reasonable interpretation consistent with the specification, the term “previous program state” is not limited to an “immediately preceding program state” as indicated in the objections to claims 8, 37 and 43. Rather, “a previous program state” is any program state occurring prior in time to the program state under discussion. This point can be seen by considering the definition of the term “previous.” A search of the term previous on the OneLook dictionary (<http://www.onelook.com>) demonstrates that the term “previous” consistently means preceding in time. For instance, the Encarta definition for the term “previous” is:

- 1. coming before somebody or something:** occurring before somebody or something of the same kind
- *the previous edition*

Thus, the Office action’s statement that “If you are at the program state, the previous program state is by definition the program state right before,” is incorrect. The previous program state can be any state occurring before the

¹ In this regard, the Examiner is respectfully invited to perform a search of the USPTO database for issued patents assigned to, for instance, Motorola or Intel, to see that the USPTO has issued many US Patents without Summary of the Invention sections.

program state. Thus, with this definition in mind, claims 8, 37 and 43 are intended to define the special case wherein “the previous program state” is in fact the state immediately proceeding the program state in question (i.e., with no intervening program state). In contrast, other claims (e.g., claims 7, 33, and 39) use the term “previous program state” generically to refer to any state occurring before the program state in question.

In view of the foregoing, it is respectfully submitted that the objection to claims 8, 37, and 43 should be withdrawn.

It is noted that claims 7 and 8 have been clarified by naming “the program state” as the “first program state” to differentiate the “program state” and the “previous program state” as requested in the Office action. It is understood that the name “first” is simply an identifier and is not intended to require or imply a numeric position or order of any kind for the program state.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance.

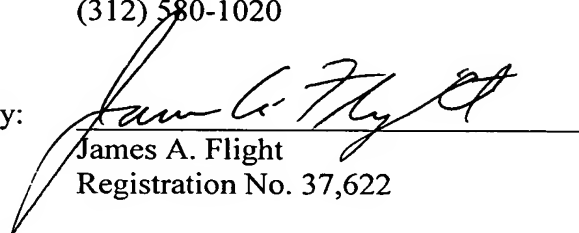
Before closing, the applicant notes that the amendments to claims 7 and 8 are clarifying and, thus, not necessary for patentability. The amendments to claims 7 and 8 are merely clarifying in that the amended claims are intended to state the same thing as the claims prior to amendment (i.e., to have the same scope both before and after the amendments) in a more easily understood fashion. Consequently, these clarifying amendments do not give rise to prosecution history estoppel or limit the scope of equivalents of the claims under the doctrine of equivalents.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "James A. Flight", is written over a horizontal line. The signature is stylized with a large initial "J" and a long, sweeping underline.

James A. Flight
Registration No. 37,622

December 12, 2005